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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 489 OF 2018
WITH
APPP NO. 833 OF 2018**

Virendra Natwarlal Shah

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Rajendra R. Mishra for Applicant.

Mr. M.G. Patil, APP for State.

Mr. S. Waghmare for Intervener.

CORAM : A.S.GADKARI, J.

DATE : 6th July 2018.

P.C.:

1] By an Order dated 13th June 2018, the applicant was granted interim relief. At the time of grant of interim relief, the applicant had made a statement that the suit filed by the applicant for eviction before the Small Causes Court was withdrawn by him, in view of the compromise entered into between the applicant and the complainant. The record indicates that, the Small Causes Court while disposing off the said suit filed by the

applicant did not record the said finding. It is to be noted here that, there was no compromise on record and even there is no mention in the Order dated 30.10.2017 passed by the learned Judge of the Small Causes Court in L.E. & C Suit No.0200031 of 2017 that in fact the parties entered into a compromise. Thus it clearly appears that, to procure an interim relief from this Court the applicant made a false statement on 13th March 2018.

2] It is well settled principle of law that, an Order obtained by making false representation or false statement, should not remain in force even for a while and the same should be vacated immediately.

3] In view of the false statement made by the applicant as noted hereinabove, interim relief granted by Order dated 13th March 2018 is hereby forthwith vacated and as a consequence thereof the present Anticipatory Bail Application is also dismissed.

4] In view of dismissal of the Anticipatory Bail Application, Criminal Application No. 833 of 2018 for intervention does not survive and the same is accordingly disposed off.

5] At this stage, the learned Counsel for the applicant submitted that, the Order passed above may be stayed for a period of two weeks from today so as to enable him to prefer an appeal before the Apex Court.

At the request of learned Counsel for the applicant, the present Order is stayed for a period of two weeks from today.

(A.S.GADKARI, J.)